

The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

Old Capitol Building, Room 253
P.O. Box 47206
600 Washington St. SE
Olympia, Washington 98504

January 25, 2012

Members of the House Education Committee
Washington State House of Representatives
John L. O'Brien Building
Olympia, Washington 98504

Dear Members of the House Education Committee:

Due to time constraints in the January 24 hearing, I was not called to testify on House Bill 2543 (*Regarding state board of education rules that contain unfunded mandates*). Given the importance of this Bill to the work of the State Board of Education (SBE), I feel compelled to express our opposition in writing.

Because the very title of the Bill calls into question the work of the Board, it is important to clarify the issues at stake in this Bill. Some of the discussion and testimony I heard on January 24 is less pertinent to the work of the Board, and instead more related to requirements enacted directly by the Legislature. I hope it will be helpful to briefly recap the journey that has brought us to this place, and finish with the choice I think the Legislature is faced with.

At the request of the Legislature, SBE has spent the last five years revising state minimum graduation requirements. The process has been clearly laid out in statute, and SBE has maintained high fidelity to that statute. As a result of that process, the language in ESHB 2261 (2009) incorporated the "opportunity to earn 24 credits" into the state's new definition of Basic Education. Specific statutory language also outlined the process for securing an independent fiscal estimate, from OSPI, of the costs of the 24 credit graduation requirements package. This estimate, along with required presentations before the House, Senate, and the Quality Education Council, were completed last fall and winter, and became the basis for authorizing SBE to move forward with those provisions deemed to have no cost. A key slide from the November 2010 independent fiscal estimate presented to the Board is included in Attachment A, which clearly indicates those changes within the existing 20 credit framework deemed to have no fiscal cost – all of these were part of the SBE's November 2011 rule change. These are also the same changes the Board publicly stated it would adopt in a State Board resolution and letter to the Legislature dated November 2010; one year earlier.

As the Board moved into rulemaking this fall, on changes within the 20 credit framework, it became clear that the independent fiscal estimate was going to be a source of controversy. While many of the flexibility provisions were quite popular and may well save money (including delinking the 150 hour requirement for award of a credit, and the provision of "2-for-1" career-technical education credit equivalency options), it was clear that, regardless of whether something was deemed to have a "fiscal cost," there would be local impacts to the English and social studies credit changes that would require planning over time.

Based on extensive debate among the Members, and in an effort to provide maximum flexibility, the Board decided to offer a two-year exemption for the social studies and English credit changes within the existing 20 credit framework for any district requesting it. After the exemption, the earliest these requirements would take effect is for the class of 2018, providing ample time and flexibility for the 15 percent of districts not already meeting these requirements to make the necessary adjustments. The Legislature can then revisit the issue in two years to see if further extensions or flexibility are warranted, and the Board does maintain waiver authority in this arena, as well.

The important point to take away is that the SBE has acted within a process set-up by the Legislature. The Legislature was in charge of this process from the beginning, and it still is. If the Legislature disagrees with the determinations of the independent fiscal estimate completed in the fall of 2010, it can request a new fiscal estimate and delay implementation of the changes within the 20 credit framework. But it does not need to adopt the language of House Bill 2543 to do so, which we interpret as having essentially punitive overtones *vis a vis* the State Board's role and work on this issue. Ultimately, we think further delay poses problems for the Legislature in terms of responding to the *McCleary* decision, and may have implications for how the state does fiscal estimates going forward. If you are not going to accept OSPI's fiscal estimates, whose are you going to accept?

The best approach, we believe, is to work with the remaining 15 percent of districts over a period of time to implement the shift within the 20 credit framework in a flexible manner, some of whom have indicated a move in this direction regardless, and most of whom have a majority of their students already taking the 4th credit of English and the extra half credit of social studies.

The *McCleary* decision has made it very clear that the State needs to prepare for implementing the full package of new basic education reforms, including graduation requirements. A failure to take the first step in this process will, we believe, reflect poorly on the Legislature's efforts to implement ESHB 2261; an issue the Supreme Court is monitoring with heightened interest and urgency.

The SBE is prepared to provide the flexibility needed to make the transition to improved graduation requirements as smooth as possible for districts, but the Legislature will also need to provide the leadership to follow through on the plan it set out for itself over the last two legislative sessions.

For these reasons, the Board respectfully urges no action on House Bill 2543, and immediate and continuous action on developing a response portfolio to *McCleary*, including implementation of the basic education reforms embedded in ESHB 2261 and SHB 2776.

With respect,



Ben Rarick, Executive Director

Attachment A --

PowerPoint Slide from Independent OSPI Fiscal Analysis on Graduation Requirements

Presented November 10, 2010 to the State Board of Education

OSPI has evaluated the following SBE options and determined that they do not have a fiscal cost if implemented:

- Within the current 20 credit framework, the following credits changes:
 - Increasing English from 3 to 4 credits
 - Increasing Social Studies from 2.5 to 3 credits, including .5 credits of civics
 - Designating .5 credits of health (while retaining 1.5 credits of fitness)
- Remove the 150 hour definition of a credit and permit districts to establish policies that specify how they will know students have successfully completed the state's subject area content expectations sufficiently to earn a credit.
- Establish a "two for one" policy to enable students to take a CTE-equivalent course and satisfy two requirements .
- Make Washington State History and Government a non-credit requirement that must be successfully passed and noted met on the student transcript

Attachment B --

Language from November 2010 Board Resolution sent to members of the Legislature

“ ...

BE IT FURTHER RESOLVED THAT It is the State Board of Education's intention, after the 2011 legislative session, to put those policy changes with no state fiscal impact, as determined by the Office of Superintendent of Public Instruction, into effect for the graduating class of 2016. Within the current 20 credit framework, the following credit changes would be made:

- *Increase English from 3 to 4 credits*
- *Increase Social Studies from 2.5 to 3 credits, including .5 credits of civics*
- *Designate .5 credit of health (while retaining 1.5 credits of fitness)*
- *Decrease elective credits by 1.5*

BE IT FURTHER RESOLVED THAT The State Board of Education will enact additional, no-cost policies, as determined by the Office of Superintendent of Public Instruction, to create more flexibility for districts to help students meet the graduation requirements. These policies would go into effect for the graduating class of 2016.

1. *Remove the 150 hour definition of a credit and permit districts to establish policies that specify how they will know students have successfully completed the state's subject area content expectations sufficiently to earn a credit.*
2. *Establish a "two for one" policy to enable students to take a CTE-equivalent course and satisfy two requirements (one course = one credit = two requirements).*
3. *Make Washington State History and Government a non-credit requirement that must be successfully passed and noted on the student transcript that the requirement has been met."*